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Utility Patent  
Ser. No. 09/767,413

BEFORE THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: C. Cassel	)	Date:	October 6, 2005
	)		
Serial No.: 09/767,413	)	Group Art Unit:	2632
	)		
Filed: 01/23/01	)	Examiner:	T. Pham
	)		
Title: Combination Breathing Monitor	)		
Alarm And Audio Baby Alarm	)		
	)		

**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Mail Stop PETITIONS, Box 1450, Arlington, VA 22313 on 10-7-05 (date).

Typed or printed name of person signing this certificate

Terry Lakos

Signature Terry Lakos

**Certificate of Transmission**

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571)- 273-8300 on 10-7-05 (date).

Printed name of person signing this certificate

Terry Lakos

Signature Terry Lakos

**RENEWED PETITION UNDER 37 CFR 1.137(b)**

Petitions Examiner  
Office of the Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

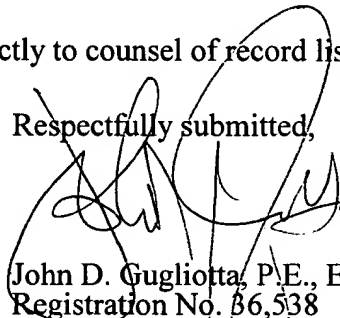
Applicant requests that the above referenced application, on petition dismissed on

**Utility Patent**  
**Ser. No. 09/767,413**

08/31/2004, applicant wishes to provide the enclosed completed copy of the previously filed petition.

Applicant wishes the previous petition be revived and granted, and that should additional input be required that a telephone call be given directly to counsel of record listed below.

Respectfully submitted,



John D. Gugliotta, P.E., Esq.  
Registration No. 86,538  
202 Delaware Building  
137 South Main Street  
Akron, OH 44308  
330.253.5678

Enclosure: 4

**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.131(b) (Small Entity)**

Docket No.  
887

In Re Application Of: Cynthia L. Cassel

Application No. 09/767,413  
Filing Date 01/23/2001

Examiner  
Toan Pham

Customer No.  
33055

Group Art Unit  
2632

Confirmation No.  
2467

Invention: Combination Breathing Monitor Alarm and Audio Baby Alarm

Attention: Office of Petitions  
**Mail Stop Petition**  
COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☐ A proposed reply to the above-identified Office Action:

☐ is enclosed. ☐ was filed on \_\_\_\_\_

The proposed reply is in the form of: \_\_\_\_\_

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on \_\_\_\_\_

3. ☒ Applicant claims small entity status. See 37 CFR 1.27

4. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

5. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

6. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.  
**887**

In Re Application Of: **Cynthia L. Cassel**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
<b>09/767,413</b>	<b>01/23/2001</b>	<b>Toan Pham</b>	<b>33055</b>	<b>2632</b>	<b>2467</b>

Invention: **Combination Breathing Monitor Alarm and Audio Baby Alarm**

**Calculation and Payment of Fees**

Enclosed are the following fees:

7. ☒ Petition fee under 37 CFR 1.17(m) in the amount of: \$750.00
8. ☐ Fee for amendment in the amount of: \_\_\_\_\_
9. ☐ Fee for extension of time to reply to Office Action in the amount of: \_\_\_\_\_
10. ☐ Issue fee in the amount of: \_\_\_\_\_
11. ☐ Continuing application filing fee in the amount of: \_\_\_\_\_
12. ☐ Terminal disclaimer fee in the amount of: \_\_\_\_\_
13. ☐ \_\_\_\_\_
- Total fees enclosed: \$750.00

The fee of **\$750** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **07-2380**
- ☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**Petition For Revival Of An Application For Patent Abandoned  
Unintentionally Under 37 CFR 1.137(b) (Small Entity)**

Docket No.  
887

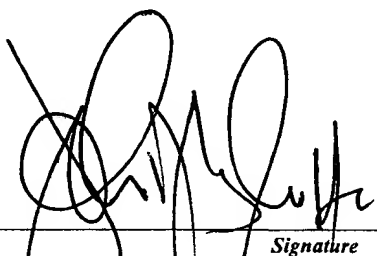
In Re Application Of:  
Cynthia L. Cassel

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
09/767,413	01/23/2001	Toan Pham	33055	2632	2467

Invention: **Combination Breathing Monitor Alarm and Audio Baby Alarm**

**Statement**

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

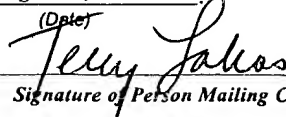
  
Signature

John D. Gugliotta, PE, Esq.  
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330-253-5678  
330-253-6658 (facsimile)

Dated: August 22, 2005

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

August 22, 2005

(Date)  
  
Signature of Person Mailing Correspondence

Terry Lakos

Typed or Printed Name of Person Mailing Correspondence

CC:



**PATENT, COPYRIGHT & TRADEMARK**

**LAW GROUP, LLC**  
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FIFTH THIRD BANK  
(NORTHEASTERN OHIO)  
CLEVELAND, OHIO  
6-271/410

1184

8/22/2005

PAY TO THE  
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Seven Hundred Fifty and 00/100\*\*\*\*\* DOLLARS

Commissioner of Patents & Trademarks  
PO Box 1450  
Alexandria, VA 22313

MEMO Petition to Unabandon Application: 09/767,413

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